



2026:CGHC:20626

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 3800 of 2026**

1 - Onkar Prasad Sahu S/o Late Shri Firanta Ram Sahu Aged About 46 Years Working As Post Of Driver (Daily Wager Basis) At Government Ayurved College And Hospital, Bilaspur, Tahsil- Bilaspur, District- Bilaspur (C.G.)

2 - Dheeraj Kumar Karociya S/o Shri Shyam Sundar Karociya Aged About 39 Years Working As Post Of Peon (Daily Wager Basis) At Government Ayurved College And Hospital, Bilaspur, Tahsil- Bilaspur, District- Bilaspur (C.G.)

... Petitioner**versus**

1 - State Of Chhattisgarh Through The Secretary, Department Of Health And Family Welfare Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District - Raipur (Chhattisgarh)

2 - The Director Directorate Of Ayurveda Yoga And Prakritik Chikitsa, Unani Siddha And Homeopathy (Ayush) Purana Mantralaya Parisar Raipur, (Chhattisgarh),

3 - The Principal Government Ayurved College And Hospital, Bilaspur, Tahsil- Bilaspur, District- Bilaspur (C.G.)

... Respondent(s)

(Cause title is taken from CIS)

For Petitioner	: Mr. Manoj Chauhan, Advocate
For Respondents-State	: Mr. Shahil Singh, Panel Lawyer

SB: Hon'ble Shri Parth Prateem Sahu, Judge

Order on Board

04/05/2026

1. Petitioners have filed this writ petition seeking following reliefs:-

“10.1. That this Hon’ble Court may kindly be pleased to issue an appropriate writ in the nature of mandamus and direct the respondents to consider the case of petitioners for regularization in terms of series of judicial verdicts are referred above right from Umadevi’s case (supra) read with Narendra Kumar Tiwari’s case (supra) upto recent verdicts as a onetime measure within a timeframe and given all the consequential benefits.

10.2. That this Hon’ble Court may kindly be pleased to grant any order relief as it may deems fit and appropriate.”

2. Learned counsel for the petitioner submit that the petitioners are working as Driver and Peon, in the respondent department as daily wages employee against duly sanctioned posts. Petitioner have completed more than 11 years of service, however, they have not been regularized in the service. He submits that petitioners may be permitted to submit representation before Respondents Nos. 2 & 3 raising their grievance and further direction be issued to the concerned respondents to consider and take decision on the claim of petitioners for regularization of his service within specified time frame.
3. Learned counsel for State submits that as petitioner is not pressing this writ petition on merits and is only seeking limited

prayer of submitting representation before the competent authority, he is having no objection.

4. I have heard learned counsel for the parties and perused the documents available on record.
5. Claim as raised by the petitioners in this writ petition is that they are continuously working as daily wage employee, on the sanctioned post of Driver and Peon, for more than about 11 years, but they were not regularized in service.
6. Hon'ble Supreme Court in case of **Narendra Kumar Tiwari & Others vs. State of Jharkhand & Others** reported in **SCC (L&S) 2018 (2) 472** considered the issue of claim of regularization of temporary/daily wages employees, who had completed 10 years of service. Further, Hon'ble Supreme Court in case of **Jaggo vs. Union of India** reported in **(2024) SCC Online SC 3826** has further observed that the government departments to lead by example in providing fair and stable employment. Engaging workers on a temporary basis for extended periods, especially when their roles are integral to the organization's functioning, not only contravenes international labour standards but also exposes the organization to legal challenges and undermines employee morale.
7. Hon'ble Supreme Court in case of **Bhola Nath vs. The State of Jharkhand & Ors.** [SLP (Civil) No.30762 of 2024] and connected Special Leave Petitions (Civil) vide its order dated

30th January 2026 has observed that respondent -State was not justified in continuing the appellant's services on sanctioned posts for over a decade under nomenclature of contractual engagement and thereafter denying them consideration for regularization and have further directed for regularizing the appellants therein, in service.

8. Recently, Hon'ble Supreme Court in case of **Dharam Singh & Ors. vs. State of UP & Anr.** (2025 SCC OnLine SC 1735) has strongly deprecated the culture of "ad-hocism" adopted by States in their capacity as employers. Hon'ble Supreme Court also criticized the practice of outsourcing or informalizing recruitment as a means to evade regular employment obligations, observing that such measures perpetuate precarious working conditions while circumventing fair and lawful engagement practices and observed thus:

“17. Before concluding, we think it necessary to recall that the State (here referring to both the Union and the State governments) is not a mere market participant but a constitutional employer. It cannot balance budgets on the backs of those who perform the most basic and recurring public functions. Where work recurs day after day and year after year, the establishment must reflect that reality in its sanctioned strength and engagement practices. The long-term extraction of regular labour under temporary labels corrodes confidence in public administration and offends the promise of equal protection. Financial stringency certainly has a place in public policy, but it is not a talisman that overrides fairness, reason and the duty to organise work on lawful lines.

18. Moreover, it must necessarily be noted that “ad-hocism” thrives where administration is

opaque. The State Departments must keep and produce accurate establishment registers, muster rolls and outsourcing arrangements, and they must explain, with evidence, why they prefer precarious engagement over sanctioned posts where the work is perennial. If “constraint” is invoked, the record should show what alternatives were considered, why similarly placed workers were treated differently, and how the chosen course aligns with Articles 14, 16 and 21 of the Constitution of India. Sensitivity to the human consequences of prolonged insecurity is not sentimentality. It is a constitutional discipline that should inform every decision affecting those who keep public offices running.

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20. We have framed these directions comprehensively because, case after case, orders of this Court in such matters have been met with fresh technicalities, rolling “reconsiderations,” and administrative drift which further prolongs the insecurity for those who have already laboured for years on daily wages. Therefore, we have learned that Justice in such cases cannot rest on simpliciter directions, but it demands imposition of clear duties, fixed timelines, and verifiable compliance. As a constitutional employer, the State is held to a higher standard and therefore it must organise its perennial workers on a sanctioned footing, create a budget for lawful engagement, and implement judicial directions in letter and spirit. Delay to follow these obligations is not mere negligence but rather it is a conscious method of denial that erodes livelihoods and dignity for these workers. The operative scheme we have set here comprising of creation of supernumerary posts, full regularization, subsequent financial benefits, and a sworn affidavit of compliance, is therefore a pathway designed to convert rights into outcomes and to reaffirm that fairness in engagement and transparency in administration are not matters of grace, but obligations under Articles 14, 16 and 21 of the Constitution of India.”

9. Taking into consideration that the petitioners are engaged as daily wage employee/ contractual employee for more than 11 years, the circular issued by the State Government dated 05.03.2008 with regard to regularization of daily wage/temporary employee and the relief as claimed by petitioner for regularization of his service as also considering the decision of Hon'ble Supreme Court in the above mentioned cases, this writ petition at this stage is disposed permitting the petitioner to submit fresh comprehensive representation before the Respondent Nos. 2 & 3, and if such a representation is submitted, the concerned authorities shall consider and take decision on the representation keeping in mind the period of service which the petitioner has completed of about 11 years, as also the decision of Hon'ble Supreme Court on the issue of regularization of daily wage/temporary employee, expeditiously, in accordance with law expeditiously, preferably within a further period of 04 months from the date of receipt of representation.

10. Accordingly, this petition is disposed of with aforesaid observation and direction.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge